

OUTLINE OF PHASE ONE COMMENTS

I. Relationship to Phase Two

- Comments are expected on the relationship between Phase One "elementary" contingency planning steps and Phase Two facility response plans
- Phase One and Phase Two timing issues may also be raised
- Comments may also be received about the difficulty of reacting to Phase One without knowing Phase Two requirements
- Commenters may inquire about possible overlaps between Phase One and Phase Two requirements

II. Notification Requirement (Preamble Section II.A)

A. General comments on notification

- Commenters may request clarification of other facilities that may be exempted from the notification requirements

B. Statutory authority

- Commenters may question the authority to request facility data

C. Content of notification form

- Numerous comments will probably be received on the information items on the proposed form and on the additional items mentioned in the preamble, e.g., latitude and longitude, definition of environmentally sensitive areas, distance to navigable waters, spill history, etc.

D. Requirement for new facilities to submit notification prior to beginning operations

E. Time period allowed and effort required to complete and return form

- Comments in this area will address both the adequacy of the two month time period to return the form and the level of effort required to collect the information

F. Alternative methods of facility notification

- Numerous comments are expected here as the regulated community will try to reduce the compliance burden
- Specific comments are solicited on the potential use of MSDS submissions under SARA Title III
- Comments may be received regarding EPA approval of "equivalent" means of notification

- E. Minimum attendance requirement for maintaining Plans at the facility
- VIII. Amendment to Plans by Regional Administrator (III.D and § 112.4)
- A. Name and address of registered agent
- B. Nature and volume of oil spilled
- IX. Amendment to SPCC Plans by Owners or Operators Before a Change is Made at the Facility (III.E and § 112.5)
- Comments may be received concerning the list of changes that require plan amendment
- X. Penalties (III.F and § 112.6)
- Because we are mainly updating the penalties to reflect the OPA, this is not likely to be contentious
- XI. Amendments to Plan Requirements (III.G and § 112.7)
- A. Reorganization of the regulation
- B. Changing should to shall
- A significant number of comments are expected on the issue of clarifying discretionary provisions both in general and with respect to specific requirements
 - Comments about the justification for the language change may be received
- C. Equivalent protection - § 112.7(a)(2)
- Commenters may request clarification of the phrase "equivalent protection...provided by other means"
 - Procedures for determining equivalent protection and notifying RA's of deviations may be commented upon
- D. Specifying inspection and monitoring time periods
- Comments on extending the time period for maintaining records of inspections and test results are expected
 - Comments on specifying the time period for capping pipeline connections are also probable
- E. Additions to Plan information - §§ 112.7(a)(3) and 112.7(a)(4)